

REMARKS

This Amendment, submitted in response to the Office Action dated December 21, 2005, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-3, 7-9, 13-15, 19-21 and 25-26 are all the claims pending in the application.

II. Claim Rejections under 35 U.S.C. § 101

Claims 1, 7 and 13 have been rejected under 35 U.S.C. § 101. The Examiner asserts that claims 1, 7 and 13 are directed to non-statutory subject matter since the invention as a whole does not produce a useful and tangible result. Here, claims 1, 7 and 13 clearly recite a useful, concrete and tangible result. For instance, claim 1 recites “*selecting* one of a plurality of Remote Method Invocation (RMI) servers to *process the request* based on a load of the RMI server and based on whether the RMI server can satisfy the request for data, said RMI server connected to one or more heterogeneous datastores.” Claim 1 further recites “wherein upon receiving a request to add an additional RMI server, *connecting the additional RMI server to an existing RMI server in the server hierarchy* based on a number of connections of the existing RMI server.” Therefore, the invention produces a useful and tangible result of for example, selecting an RMI server, processing a request for data, and adding and deleting an RMI server. Accordingly, it is respectfully submitted that claims 1, 7 and 13 recite statutory subject matter in compliance with 35 U.S.C. § 101.

II. Rejection of claims 1-3, 7-10 and 13-16 under 35 U.S.C. § 103

Claims 1-3, 7-10 and 13-16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito et al. (U.S. Patent No. 5,721,904) in view of Blewett (U.S. Patent No. 6,526,448), Takahashi et al. (U.S. Patent No. 6,259,705) and Sun Microsystems [Java Remote Method Invocation].

Claim 1 recites “receiving a request for data at a *federated* data source.” The Examiner asserts that col. 6, lines 15-26 of Ito teaches this aspect of the claim. In particular, the Examiner asserts that in Fig. 1 of Ito, a request for accessing data at a federated data source includes database drivers A and B in the form of SQL_RPC. However, there is no teaching or suggestion that the databases of Ito are federated. Ito merely discloses controlling access management to a database access system for a plurality of heterogeneous database servers. A federated data source is a virtual datastore which combines several heterogeneous datastores into a consistent and unified conceptual view. See, for example, Applicant’s specification at page 8, lines 7-13. There is no teaching or suggestion that the databases of Ito are federated, let alone receiving a request for data at a federated data source as claimed.

Claim 1 further recites that “the plurality of RMI servers form a server hierarchy.” The Examiner asserts that col. 16, lines 29-42 of Ito teaches this aspect of the claim. In particular, the Examiner asserts that access management components 112v are given a numeric value indicating a load condition. However, merely because access management components are given a load condition does not teach or suggest a hierarchy or that the servers form a server hierarchy.

Claim 1 also recites “wherein upon *receiving a request to delete* an existing RMI server in the hierarchy, deleting that RMI server.” The Examiner concedes that Ito does not teach this aspect of the claim and cites Takahashi, col. 2, lines 1-10, to cure the deficiency. The respective column and lines cited by the Examiner disclose that when a server has gone down and the configuration of a server group has to be modified, it is required to manually make such a change to the server group configuration to delete a server that went down. However, there is no teaching or suggestion that a server is deleted upon receiving a request to delete an existing RMI server.

The Examiner concedes that Ito, Blewett and Takahashi do not disclose an RMI server, therefore the Examiner cites the RMI method disclosed by Sun Microsystems to cure the deficiency. The Examiner asserts it would have been obvious to modify the references to include the RMI server of Sun Microsystems so as to apply remote method invocation into a Remote Procedure Call system in order to maintain the system servers based on load and have a translation of objects of a distributed system.

The RMI system disclosed in Java Remote Method Invocation Specification (Sun Microsystems) is specifically designed to operate in a Java environment. The Java language’s RMI system assumes the homogeneous environment of the Java Virtual Machine and the system can therefore take advantage of the Java object model whenever possible. See Sun Microsystems Section 1.1 Background.

Therefore, contrary to the Examiner's assertions, the combination of Sun Microsystems with Ito, Blewett and Takahashi is not obvious. In particular, Ito, Blewett and Takahashi are not at all concerned with applying remote method invocation. For example, the methods disclosed in Ito, Blewett and Takahashi would have to be written in Java and would have to be capable of operating and responding to the instructions in the Java language. Further, Ito is specifically written in structured query language (SQL) and database access is controlled using SQL. See Ito Title. Modifying Ito, Blewett and Takahashi to include the teachings of Sun Microsystems would therefore result in a substantial modification of the principle of operation of Ito, Blewett and Takahashi, evidencing that the Examiner's reasoning is merely a result of impermissible hindsight. MPEP 2143.01(VI).

For at least the above reasons, claim 1 and its dependent claims should be deemed allowable. To the extent claims 7 and 13 recite similar elements, claims 7 and 13 and their dependent claims should be deemed allowable for at least the same reasons.

III. Rejection of claims 19-21 under 35 U.S.C. § 103

Claims 19-21 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ito, Blewett, Takahashi, Sun Microsystems [Java Remote Method Invocation] and further in view of Francis et al. (U.S. Patent No. 6,772,131).

Claims 19-21 should be deemed allowable by virtue of their dependency to claims 1, 7 and 13 for the reasons set forth above. Moreover, Francis does not cure the deficiencies of Ito, Blewett, Takahashi and Sun Microsystems.

Claim 19 recites “wherein said load of the RMI server is based on at least the ratio of a current load of the RMI server and a maximum load of the RMI server.” The Examiner concedes that Ito, Blewett, Takahashi and Sun Microsystems do not teach the elements of claims 19-21 and cites Francis, col. 6, lines 4-11, to cure the deficiency. The respective column and lines cited by the Examiner disclose that load balancing is based on the percent utilization measure as a ratio of current *clients* to maximum *clients*. Francis does not appear to teach or suggest that a load is based on the ratio of a current load of the RMI *server* and a maximum load of the RMI *server*.

For at least the above reasons, claim 19 should be deemed allowable. To the extent claims 20 and 21 recite similar elements, claims 20 and 21 should also be deemed allowable for at least the same reasons.

IV. New Claims

Applicant has added claims 25 and 26 to provide a more varied scope of protection. Claims 25 and 26 should be deemed allowable by virtue of their dependency to claim 1 for the reasons set forth above.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

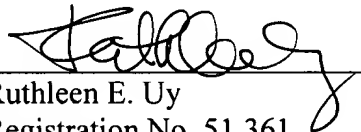
AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No.: 09/399,696

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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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